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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,315	12/15/2003	Thomas E. Creamer	BOC9-2003-0080 (454)	5476
40987	7590	06/19/2006	EXAMINER	
AKERMAN SENTERFITT			WIN, AUNG T	
P. O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	

2617

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,315

Applicant(s)

CREAMER ET AL.

Examiner

Aung T. Win

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Neary (US20020076008A1).

2.1 Regarding Claim 1, Neary discloses a method of verifying accuracy of performance of voice response system comprising: [see Abstract & Summary]  
[Paragraph 0015-0020] [See Figures]

Establishing a voice call with automated call generator (ACG) units (test system)  
[Paragraph 0015-0017];

Receiving a call-flow verification mode signal CFV (request) from the test system  
[Paragraph 0005 & 0034] to activate the voice response unit for determining a voice

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prompt [Figures 4, 5 & 7] [executed Utterances: Paragraph 0020, 0030, 0031, 0033 & 0034] to play over the voice link in response to request. Determining voice prompt to play in response to CFV inherently teaches claimed executing step because IVR systems are implemented with software programs and executed accordingly [Also see Paragraph 0019].

Neary also discloses execution information for the test system to process and route the call to the correct voice path by playing multiple voice prompts to the test system over the voice link [See execution information such as "one", "two", etc. Paragraph 0018] [See Figures]. Thus, Neary discloses claimed gathering step, claimed playing step and claimed sending step for retrieving and sending the execution information following voice prompts.

2.2 Claim 7 is the apparatus claim rejected for the same reasons as stated above in Claim 1 rejection because claimed steps executed by claimed means stated in Claim 9 are substantially closed to corresponding claimed steps of Claim 1. Therefore, at the time of invention of made, it is obvious to one of ordinary skill in the art that modified method teaches claimed means in order to process claimed steps accordingly.

2.3 Claim 13 is rejected for the same reasons as stated above in Claims 1 and 7 rejections because the claims steps substantially read on the corresponding steps of Claims 1 and 7. AT the time of invention of made, it is obvious to one of ordinary skill in the art that, the system comprises a machine readable storage storing a computer program with sequences instructions to execute the claimed steps. Furthermore, IVR

systems are preprogrammed [Neary: Paragraph 0019], thus ACG unit and IVR system include the computer program as claimed to perform such claimed steps for verifying the IVR system software by call-flow verification.

2.4 Regarding Claim 2, 8 and 14, Neary also discloses testing system responding the IVR system by sending execution information in DTMF input [Paragraph 0015] [See Figures].

2.5 Regarding Claims 3-6, 9-12 & 15-18, Neary's verification method is to verify whether the call are routed to the correct voice path according to input response from the test system based on comparison analysis. [verification to check all possible paths; Abstract] [Paragraph 0018] [See Figures] [Also see comparison analysis in Paragraphs 0019-0021, 0036, 0037 & 0045]. Neary also teaches speech recognizing voice prompts [See IVR action: Figure 2]

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Connor	US006477492B1
Coleman	US005933475A
Tsai et al.	US006504905B1/
Howard et al.	US006587543B1

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Michel et al.	US006724865B1
Mills et al.	US 20040032935A1
Mumford et al.	US006427000B1


The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win  
Group Art Unit 2617  
June 8, 2006

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**

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